

SHUSAKU YAMAMOTO

Japanese Patent Application No. 2005-510332

Your Ref: PVI-5813CIP2CIP1CIP1

(Translation)

NOTICE OF REASONS FOR REJECTION

Patent Application No. 2005-510332

Examiner: Toshinaga MIYAZAKI

Date: November 18, 2009

Mailing Date: November 20, 2009

Applicable Section: Sec. 29(1), Sec. 29(2), and Sec. 36

To: Shusaku YAMAMOTO, Patent Attorney (and two others)

The present application is rejected for the following reasons. Any argument must be submitted within 3 months from the mailing date of this document.

REASONS

Reason 1

The following Claims of the present application are rejected under Sec. 29(1)(ii) of the Japanese Patent Law as being anticipated by each of the following Cited References published or made available to the public through electric telecommunication lines in Japan or in a foreign country prior to the filing of the present application.

Reason 2

The following Claims of the present application are rejected under Sec. 29(2) of the Japanese Patent Law as being obvious to those skilled in the art over the following Cited References published or made available to the public through electric telecommunication lines in Japan or in a

SHUSAKU YAMAMOTO

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Your Ref: PVI-5813CIP2CIP1CIP1

foreign country prior to the filing of the present application.

NOTES (Refer to List of Cited References)

Regarding Reasons 1 and 2

\*Claims 1, 3-9, 11, and 12

\*Cited Reference 1

Cited Reference 1 describes a medical apparatus for remodeling a mitral valve annulus adjacent to the coronary sinus, comprising: an elongate body (66), having a proximal end and a distal end, the elongate body being movable from a first, flexible configuration for transluminal delivery to at least a portion of the coronary sinus to a second configuration for remodeling the mitral valve annulus; and a forming element (56) attached to the elongate body for manipulating the elongate body from the first delivery configuration to the second remodeling configuration; wherein the elongate body in the second, remodeling configuration comprises at least a first curve which is concave in a first direction and a second curve which is concave in a second direction (for example, see Fig. 1).

\*Claims 13-22 and 24

\*Cited Reference 1

Cited Reference 1 describes an implant for positioning within a patient, comprising: an elongate flexible body (66) having a proximal section, a central section and a distal section; a forming element (56) extending through at least the proximal and distal sections of the body; and a detachable coupling (280) on the body, for removably attaching the body to a deployment catheter; wherein manipulation of the forming element deflects the central section laterally with respect to at least a portion of the proximal and distal sections.

SHUSAKU YAMAMOTO

Japanese Patent Application No. 2005-510332

Your Ref: PVI-5813CIP2CIP1CIP1

Regarding Reason 2

\*Claims 2 and 23

\*Cited Reference 1

The shape of the body when in the second configuration would have been a matter appropriately decided by those skilled in the art in view of the shape of blood vessel to which a medical apparatus is positioned.

\*Claim 10

\*Cited Reference 1

To what site a tissue anchor is provided would have been a matter appropriately decided by those skilled in the art in the art in view of necessary anchoring force.

\*Claim 25

\*Cited Reference 1

Cited Reference 1 describes a system for manipulating the mitral valve, comprising a catheter (74), having a prosthesis (40) thereon, the prosthesis having tissue anchors; wherein the catheter is configured for insertion into the venous system such that the prosthesis may be transluminally advanced into the coronary sinus; and wherein the tissue anchors are configured for attachment to the wall of the coronary sinus such that manipulating the prosthesis exerts a lateral force on the wall of the coronary sinus in between the tissue anchors.

In addition, to what site of the prosthesis the tissue anchors are provided would have been a matter appropriately decided by those skilled in the art in the art in view of necessary anchoring force.

SHUSAKU YAMAMOTO

Japanese Patent Application No. 2005-510332

Your Ref: PVI-5813CIP2CIP1CIP1

Reason 3

The following Claims of the present application do not comply with the requirements of Sec. 36(6)(ii) of the Japanese Patent Law on the points specified in the notes below.

NOTES

(1) Claims 11 and 12 recite "about", which makes the scopes of the inventions ambiguous.

(2) Claim 15 recites "substantially", which makes the scope of the invention ambiguous.

Therefore, the inventions defined by Claims 11, 12, and 15 are indefinite. Similarly, the inventions defined by Claims which are dependent therefrom are indefinite. Therefore, the inventions defined by Claims 11, 12, 15-21, 23, and 24 are indefinite.

Cited Reference

1. International Publication WO 02/60352 pamphlet

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Record of search for prior art documents

\*Classes searched:

IPC                      A61F 2/82

The documents cited in the above record of a search for prior art documents do not form the basis of the reasons for rejection.

**SHUSAKU YAMAMOTO**

Japanese Patent Application No. 2005-510332

Your Ref: PVI-5813CIP2CIP1CIP1

If you have any inquiries concerning this Notice of Reasons for Rejection, or wish to have an interview with the Examiner, please contact us.